

Claim 28. A method of treating tumors which are responsive to the inhibition of p34^{cdc2}/cyclin B^{cdc13} kinase, comprising administering to a subject in need of such treatment a therapeutically effective amount of a compound of formula I according to claim 20, or a pharmaceutically acceptable salt thereof.

REMARKS

The Claims in the case are Claims 15, and 20-28. Claim 15 has been allowed. Claims 20-28 are rewritten versions of Claims 2-4, 6, 14, and 16-19, respectively. The Claims have been rewritten to provide a clean copy without extraneous and confusing brackets etc., for the purpose of the appeal process, as well as to correct minor errors caught during proof-reading of the claims in the case for the purpose of the appeal. The clean copy of the claims appears in the appeal brief being filed concurrently herewith.

No new matter is involved in the present claim language. The Examiner is respectfully requested to enter the amendments herein presented.

The specification at p. 2 has been amended to clarify that the compounds of Formula I include the "substituted carbocyclic radical having not more than 29 C atoms or a substituted heterocyclic radical having not more than 20 C atoms and not more than 9 heteroatoms" and to track the specific language used in the claims.

The examiner had stated that the choices objected to, in the claims, "do not fall within the ambit of Formula I of the specification." He pointed out that at page 1, last line of the specification the substituents are included within the definition of aliphatic hydrocarbon radical but not on the carbocyclic or heterocyclic choices. However, the specification clearly encompasses substituted carbocyclic rings and substituted heterocycles, see page 9, 2nd paragraph, and p. 12, the 2nd full paragraph, and again at p. 15, the first full paragraph. Therefore the Examiner's objection can be answered by conforming the formula I at p. 1

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph beginning at page 2, lines 1 and ending at page 2, line 2, (2 lines) has been amended as follows:

29C atoms, a substituted carbocyclic radical having not more than 29 C atoms or a substituted heterocyclic radical having not more than 20 C atoms and not more than 9 heteroatoms and--

with the later more detailed teachings. This is accomplished by the above amendment to the paragraph at the first two lines of page 2, which adds language and provides the necessary inclusion of the substituted carbocyclic rings and substituted heterocycles.

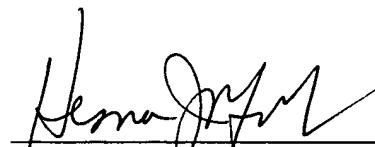
In Claim 20, corresponding to Claim 2, the term "mercapto" has been retained in the claim language. The Examiner had said that the specification did not provide support for this term. It is pointed out that the term "mercapto" is supported by the specification at p. 29, the first full paragraph, referring to the term "etherified mercapto group".

There are no other substantive changes to the claims herein presented, and the claims have been proof read for accuracy. Entry of the claims for the purpose of the appeal is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "Version with markings to show changes made".

This amendment is being submitted concurrently with the filing of an appeal brief. No fees are believed due with this amendment; if however, any fees are due, please charge such fees to Deposit Account No. 19-0134 in the name of Novartis Corporation.

Respectfully submitted,



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